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**North Burnett Regional Council Submission –
Resources Legislation (Balance, Certainty and Efficiency) Amendment Bill 2011**

I write with reference to the above and in respect to *Resources Legislation (Balance, Certainty and Efficiency) Amendment Bill 2011*. Council considered this matter at its General Meeting of 20 December 2011 and I am directed to advise that the following resolution was adopted:

CR Whelan moved and Cr PW Francis seconded: That the North Burnett Regional Council authorise the Chief Executive Officer to make a submission on the Resources Legislation (Balance, Certainty and Efficiency) Amendment Bill 2011.

CARRIED 7/0

Council would draw attention to the consultation phase for the Interim RA 384 process and for this Bill. Given monthly meeting cycles and the short time period for RA 384, it was difficult to canvass the wider community to gain input. The consultation and public submission period for this Bill is recognised as longer, which is appreciated, but falls over the Christmas and New Year period. Given the significance of this Bill for potential social and economic impact, it is requested for an extended consultation period with representatives of the Department conducting public meetings in regional centres to discuss the Bill and its consequences prior to it being considered by the Parliament.

In making this submission Council would welcome a balanced approach to the resource sector and communities. Council believes that if restricted areas are to be used, they should not be restricted to communities of 1,000 persons or more. All communities should be recognised and be offered a degree of consideration in relation to mineral activities. Council recognises the positive role that the resource sector plays within Queensland but also acknowledges the potential impact environmentally, socially and economically. These impacts can often be both positive and adverse. Communities of under 1000 persons should be afforded similar consideration.

Council would support any proposed exclusions to include mining not just exploration. It is often found that it is the mining that may cause distress if appropriate development conditions and or regulatory provisions and not put in place.

It is also understood that if part of the exploration permit falls within the 2 km buffer or exclusion zone around an urban area, the entire exploration permit is impacted. Again, this principle would be difficult to support as there would be no benefit to the urban community or the mining entity through this provision.

If an urban restricted area is declared Council would support the restriction only applying to that section of the mining lease that fell within the boundaries of the restricted area. The protection of prime agricultural land should be central to any reform in this area as well as strengthen land holder rights in regard to entry.

Each community is different and may have differing needs that do not neatly fit a 2 kilometre buffer. For example, the geography of areas surrounding townships may have a significant bearing on the impact that a resource activity will have on urban areas and this should be taken into consideration for any declaration of a restricted area.

Sensible development conditions applying to mining activities with appropriate exclusion zones for environmental nuisance such as dust and noise, for example, would be a more proactive approach to this issue in our area. Clarification on the role of quarries should be given as if an urban restricted area is declared; a number of existing and potential quarry sites would fall within this area for example. Also, consideration should be given in any proposed legislation to the impact of mining on local government activities or enterprises and a Local Authority should have the right to decline entry on to Local Government controlled land. Landholders rights should be also strengthened in this area.

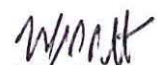
Specifically Council wishes to see the proposed State Planning Policy and the requirements for the declaration of new restricted areas so a full assessment of all impacts can be undertaken. This consultation is requested to take place prior to the presentation of the Bill to Parliament for adoption.

It is noted that should exploration prove development financially viable, a number of regulatory and consultative processes still need to be undertaken before any works can commence. The strengthening of any consultation and engagement as these elements is seen as critical to the success of any mining venture in our region. As well as an Environmental Impact Statement process, a full Social and Economic Impact Statements should be conducted and forwarded to the Local Government as potential concurrent agencies for approval prior to any resource entries being given final approval.

Finally, it is noted that resource activity can occur in a declared restricted area with the consent process for this activity to be finalised in the coming months. This process should be clearly defined for public input prior to the final consideration of the Bill.

It would be appreciated if you would contact the undersigned of our office on 1300 696 272 for any further information or assistance. Thank you and your Governments consideration of this submission.

Yours faithfully



MJP Pitt

Chief Executive Officer

